

STATE OF SOUTH DAKOTA

SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

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SOUTH DAKOTA ONE CALL NOTIFICATION BOARD, Plaintiff,	*	
	*	OC NO. 04-004
	*	
	*	
vs.	*	
	*	ANSWER OF JEREMY SCADDEN
JEREMY SCADDEN CONSTRUCTION,	*	CONSTRUCTION TO COMPLAINT
Defendant.	*	OF CITY OF BRANDON
	*	

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COMES NOW Defendant JEREMY SCADDEN, dba JEREMY SCADDEN CONSTRUCTION, who makes and files this Answer to the referenced Complaint, and in support thereof, states and alleges as follows:

1. Defendant admits performing an excavation for a basement at 113 County Club Avenue, and performing an excavation for a basement at 2200 Byrum Circle, Brandon, SD. The Defendant did no excavation for utilities at these locations.
2. Defendant admits excavating for sewer and water lines at 200 Seth Street and 1705 Mulberry Street, Brandon, SD.
3. During the said excavations, there was no damage whatsoever to any utilities services, private persons, or governmental entities.
4. During the said excavations, no injury occurred to the public's safety.
5. During the said excavations, there was no inconvenience caused to the public.
6. The sewer and water utilities were marked at 200 Seth Street and 1705 Mulberry Street, Brandon, SD, before the Defendant began excavating for sewer and water lines.

5/17 visited with Jerry Scadden - he did not have a locate request for these properties. Address were marked for a different excavator (he thinks it was the gas company).  
Sam Glet

7. The Contractors for the houses being built at 113 County Club Avenue and 2200 Byrum Circle, Brandon, SD, required that the basements be excavated immediately so that the construction schedule could be met.
8. That on several previous occasions, the Defendant told contractors he must contact One Call before beginning excavation projects and they subsequently utilized other excavators who did not call One Call, resulting in considerable financial loss to the Defendant, while other excavators were not held liable.
9. That Defendant has been in the excavation business with his family since he was in high school, and is familiar with the location of most utilities in the vicinity of Brandon and Valley Springs, SD. The Defendant has considerable experience in regard to the location of utility services and does not act recklessly in conducting excavation business. The Defendant fully realizes the cost to individuals and the general public which can result in the event of disruption of utility services.
10. That in the future, the Defendant will fully comply with the procedures set forth in SDCL 49-7A.
11. The Defendant hereby reserves his rights to present testimony and evidence, to cross-exam witnesses, and to make argument at any formal hearing conducted in this matter.

Dated this 10 day of May, 2004, at Brandon, SD.



Jeremy Scadden dba Jeremy Scadden Construction  
P.O. Box 243  
Valley Springs, SD 57068